

REMARKS

In the outstanding official action, claims 4 and 5 were deemed to be allowable if placed in independent form, while independent claims 1 and 12 as well as claims 6-8 and 11 were rejected under 35 USC 102(e) as being anticipated by Nishioka et al, while claims 2 and 3 were rejected under 35 USC 103(a) as being unpatentable over Nishioka in view of AAPA and claims 9 and 10 were rejected under §103(a) as being unpatentable over Nishioka in view of Gerritsen all for the reasons of record.

In response, independent claims 1 and 12 are herewith amended in order to more particularly and precisely recite the patentable features of the instant invention, and it is respectfully submitted that these claims, and the remaining claims depending therefrom, are now in condition for allowance. Accordingly, allowable claims 4 and 5 have not been placed in independent form at the present time, pending a final determination regarding the patentability of the remaining claims.

More particularly, independent claims 1 and 12 are herewith amended in order to more specifically recite that the instant invention comprises, *inter alia*, an optical system having a first plurality of grooves and a second, differently proportioned, plurality of grooves. This additional limitation is clearly supported, *inter alia* by Fig. 1 and the associated description

thereof on page 6 of the instant specification, wherein it is taught that the first plurality of grooves has a first depth, and the second plurality of grooves has a second, different depth. Thus, the present invention, as now more clearly and precisely recited, is clearly patentably distinguishable over Nishioka, wherein all of the grooves in cited Fig. 55 are proportioned the same. Furthermore, there is no suggestion in the accompanying text that the various grooves should be differently proportioned.

Furthermore, independent claims 1 and 12 expressly recite the use of three different materials having three different refractive indices. Nishioka does not appear to show or suggest this limitation, thus establishing an additional point of novelty.

In view of the foregoing amendments and remarks, it is respectfully submitted that independent claims 1 and 12 has herewith amended, and the remaining claims depending therefrom, are clearly patentably distinguishable over the cited and applied references. Accordingly, allowance of the instant application is respectfully submitted to be justified at this time, and favorable consideration is earnestly solicited.

Respectfully submitted,

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